

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE ,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF MURACO
KYASHNA-TOCHA IN SUPPORT OF
PLAINTIFFS' MOTION FOR CONTEMPT

I, Muraco Kyashna-tochá, declare and state as follows:

1. I am a Washington resident. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. Between May 30, 2020 and July 1, 2020, I protested every day in Seattle.

3. Most of June I protested in the Capitol Hill neighborhood. I also participated in two marches downtown in June, the large silent march organized by Black Lives Matter Seattle-King County on June 12, 2020, and the march to the Central District on June 19, 2020. In July, I have been protesting about twice a week on average.

KYASHNA-TOCHA DECL. ISO MOT.
FOR CONTEMPT (No. 2:20-cv-00887-RAJ) –1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 4. On Saturday, July 25, 2020, I participated in the “WalofMomsSEA” and the
2 “Bike Brigade” protest and march that began at approximately 1 p.m. near the intersection of
3 Broadway and East Pine Street in the Capitol Hill neighborhood of Seattle.

4 5. We marched south on Broadway to the youth detention center at approximately
5 12th Avenue and Alder Street, and then back to Capitol Hill near the East Precinct at 12th
6 Avenue and East Pine Street.

7 6. I participated as part of the bike brigade. The bike brigade includes individuals
8 who form barriers by standing with their bikes to protect the marching protesters from cars on
9 the streets.

10 7. At approximately 4:15 p.m., I was standing peacefully using my bike as a barrier
11 with the bike brigade at 13th Avenue and East Pine Street ensuring that cars did not go down
12 East Pine Street, as the protesters were coming up to 12th Avenue and East Pine Street, when at
13 approximately 4:20 p.m. several police SUVs pulled up.

14 8. The police exited their cars and charged the bike brigade line. They did not say
15 anything before charging, and it was so sudden and surprising that we did not understand what
16 they wanted us to do.

17 9. I and the protesters I was with could not get out of the way quickly enough. A
18 woman next to me was on her bike, but not moving or riding it, when the police charged. She
19 posed absolutely **no threat**, she was just standing there protesting and protecting protestors from
20 traffic. But they pushed her down to the ground and continued moving over her, **breaking her**
21 **bike**. Other members of the bike brigade had to pull her away.

22 10. I was standing next to my bike and not on it, so I was able to pick it up and move
23 back fast enough to not get trampled.

24 11. I do not know why the police charged us. We posed no threat, we were not
25 violent, and we were not disorderly. We were simply protesting. We were exercising our rights
26

1 under the Constitution to demonstrate, to assemble, and to petition our government. And we
2 were punished for doing so.

3 12. No instructions were given to the bike brigade. We had experienced no conflict
4 with the few officers seen before the police SUVs arrived. The purpose of the bike brigade is
5 well-known to anyone who has experienced protests before.

6 13. Later in the afternoon at approximately at 5:26 p.m., I was at the intersection of
7 11th Avenue and East Pine Street protesting.

8 14. The police would push the crowd down 11th Avenue away from East Pine Street
9 by throwing flash bangs and so-called sponge-tipped rounds at and into the crowd—
10 indiscriminately firing these weapons at protesters. They would not say anything in the process.
11 After the crowd was pushed down 11th Avenue approximately a block or so, the police would
12 retreat back to East Pine Street, again without issuing any instructions to protestors. The
13 protestors would slowly move back toward East Pine Street and refill the space, and we were not
14 instructed not to do so. After waiting some time, the police would again move the crowd back,
15 without instructions, by using multiple and repeated flash bangs. This happened numerous times.

16 15. There were so many flash bangs and other explosions that I lost count—they were
17 just throwing them indiscriminately, creating so much gas that there was a cloud in the air. I do
18 not know if there were chemicals in the cloud, but it obstructed visibility and burned my eyes.

19 16. During one of these “pushbacks” by the police on 11th Avenue, I filmed the
20 exchange for approximately 7 minutes and livestreamed it on Twitter. The video is available at
21 <https://www.pscp.tv/w/1vAGRrpXMiDGI>. This video is typical of the repeated pushbacks the
22 police performed.

23 17. The video starts with the police in the intersection of 11th Avenue and East Pine
24 Street. There were countless bangs as the police fire into the crowd, and there were clouds of
25 smoke or gas. In the video, you can hear people coughing. There was about a half a block of
26 distance between the main crowd and the police.

1 18. From approximately 1:40 to 2:00 in the video, the police fired several flash bangs
2 at us, without provocation.

3 19. From 2:15 to 2:45 in the video, you can hear approximately 18 blasts of flash
4 bangs being fired indiscriminately into the crowd.

5 20. At the 2:42 mark in the video, an officer threw something overhand into the
6 crowd on East Pine Street, approximately a third of the way down the block.

7 21. At the 3:00 mark in the video, police officers with bicycles joined the group of
8 police in the intersection of 11th Avenue and East Pine Street and faced the crowd of protesters
9 on 11th Avenue, where I was. The police immediately started firing flash bangs at us, without
10 issuing any instructions to move back.

11 22. The video captures the sound of approximately 13 flash bangs fired into the
12 crowd in the first 20 seconds alone. The protesters ran away from the police who fired on them.

13 23. The police moved the crowd back for approximately one minute using bicycles as
14 barriers and by shooting flash bangs at the crowd.

15 24. At approximately the 3:57 mark in the video, the police stopped advancing and
16 held their line of bicycles.

17 25. At approximately the 5:27 mark in the video, the police began advancing on the
18 protesters again. The protesters were peaceful. No instructions were given by the police.

19 26. As the police with bicycles began advancing, the police began shooting flash
20 bangs at the protesters again. The flash bangs seemed intended to move the crowd back and were
21 not targeted at particular protesters, as far as I could tell.

22 27. At the 5:43 mark in the video, as I was retreating with my bicycle, a flash bang hit
23 my arm, fell to the ground and exploded right next to me on the street. The camera moved a lot
24 as I got my bearings, and another protester asked me if I was okay.
25
26

29. The video shows the police continuing to push the crowd north on 11th Avenue away from East Pine Street with their bikes and without issuing any instructions.

30. Of all of the protests I have attended this year—and I have attended well over 30—the police violence on July 25, 2020 was the worst and most indiscriminate. I did not understand why the police plowed over the bike brigade team, as we move when instructed, or why later we were fired upon. The violence did not seem targeted in any way.

31. Additionally, while on 11th Avenue protesting, I believe the police sprayed paint or dye on some protesters as a method of identifying us later. I had red coloring on my body and bike, and I witnessed a number of cars damaged with the paint.

Executed this 27th day of July 2020 at Seattle, Washington.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

By: Muraco Kyashna-Tocha
MURACO KYASHNA-TOCHA